

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB263)

Received: **02/01/2010**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Radcliffe (608) 266-7461**

By/Representing: **Steve Boe**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters: **rryan**

Subject: **Criminal Law - district attys**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Radcliffe@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Assistant district attorney furloughs

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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/?	rryan	1 gjs 2/3 10	TD 2/3	g/mel 2/2			
FE Sent For:							

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Steve Zie - Rep Radcliffe

1/29/10

Same amendment to SB 263 as
drafted for AB 395

may get ~~\$\$~~ from Fiscal Bureau

Allow state to require funerals
permitted by collective bargaining
agreement (5) but not
more than 5

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB 1380/1dn

RLR & RAC:cjs:rs

January 26, 2010

Late

*as well as applicable
law and the State
Employment Relations
Act and civil
service laws*

Representative Radcliffe:

Please note that the governor, in issuing Executive Order 285, asserted that he was issuing the order pursuant to state laws and *his executive authority under the Wisconsin Constitution*. For that reason, there could be an issue of law as to whether the legislature can pass legislation restricting the governor's exercise of his constitutional authority to require executive branch employees to take unpaid leaves of absence.

Per your instructions, the amendment also prohibits layoffs of assistant district attorneys during the 2009-11 fiscal biennium. Please note that the assistant district attorneys and the state have entered into a collective bargaining agreement that permits layoffs under certain conditions. I have notwithstood this agreement in order to achieve your intent. Please note that there could be an issue with changing the terms of a collective bargaining agreement that is still in force. The one factor that may permit this is that the 2007-09 agreement has expired, even though its provisions continue in force.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

1442/1
LRB#1380-1
RLR&RAO:cjs:rs
↑
stays

ASSEMBLY AMENDMENT,

TO 2009 ASSEMBLY BILL 395

SENATE BILL 263

(DN)

(R,NNR)

bill hist ✓

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 5: delete that line and substitute "Public Defender, assistant
3 district attorneys, requiring the exercise of rule-making authority, and making an
4 appropriation."

5 2. Page 5, line 10: after that line insert:

6 "(2) FURLOUGHS PROHIBITED FOR ASSISTANT DISTRICT ATTORNEYS. Notwithstanding

7 Executive Order 285, no assistant district attorney may be required to take ~~any~~
8 more than 5 days of unpaid leave during the 2009-11 fiscal biennium.

9 each fiscal year of
10 (3) LAYOFFS PROHIBITED FOR ASSISTANT DISTRICT ATTORNEYS. Notwithstanding
11 ~~section~~ 230.34 (2) of the statutes and any collective bargaining agreement affecting
12 assistant district attorneys, no assistant district attorney may be laid off during the
13 2009-11 fiscal biennium.

SECTION 10m. Fiscal changes.

sections 111.84 (1) and (2) ↑ 111.91 (1) and
(2) ↑ 111.93 (3) ↑ and

\$1,226,000

1 (1) ASSISTANT DISTRICT ATTORNEY FUNDING. In the schedule under section 20.005
2 (3) of the statutes for the appropriation to the Department of Administration under
3 section 20.475 (1) (d) of the statutes, as affected by the acts of 2009, the dollar amount
4 is increased by \$1,300,000 for the first fiscal year of the fiscal biennium in which this
5 subsection takes effect to increase funding for salaries for assistant district
6 attorneys. In the schedule under section 20.005 (3) of the statutes for the
7 appropriation to the Department of Administration under section 20.475 (1) (d) of the
8 statutes, as affected by the acts of 2009, the dollar amount is increased by \$1,300,000
9 for the second fiscal year of the fiscal biennium in which this subsection takes effect
10 to increase funding for salaries for assistant district attorneys.”

\$1,226,100

11 **3.** Page 5, line 18: after that line insert:

12 “(2) SECTIONS 10 (2) and (3) and 10m of this act take effect on the day after
13 publication.”.

14 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1447/ldn
RAC&RLR:cjs:md

February 3, 2010

Representative Radcliffe:

Please note that the governor, in issuing Executive Order 285, asserted that he was issuing the order pursuant to state laws and *his executive authority under the Wisconsin Constitution*. For that reason, there could be an issue of law as to whether the legislature can pass legislation restricting the governor's exercise of his constitutional authority to require executive branch employees to take unpaid leaves of absence.

Per your instructions, the amendment also prohibits layoffs of assistant district attorneys during the 2009-11 fiscal biennium. Please note that the assistant district attorneys and the state have entered into a collective bargaining agreement that permits layoffs under certain conditions. I have notwithstood this agreement, as well as applicable law and the State Employment Relations Act and civil service laws, in order to achieve your intent. Please note that there could be an issue with changing the terms of a collective bargaining agreement that is still in force. The one factor that may permit this is that the 2007-09 agreement has expired, even though its provisions continue in force.

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